

## **REMARKS**

The Office Action of February 22, 2006 has been received and carefully reviewed. Applicants note with appreciation the indication that claims 11-15 are allowed and that claim 10 is allowable and would be allowed if rewritten in independent form. Applicants submit that rejected claims 1, 3-9, and 16-20 are also patentable over the proposed combinations of the cited references to Link, Hallenstal, and Fish and respectfully request reconsideration thereof and allowance of all pending claims 1-20 in view of the following remarks.

### **I. REJECTION OF CLAIMS 1, 3-9, AND 16-20 UNDER 35 U.S.C. §103**

Claims 1, 3-9, and 16-20 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Application Publication No. US 2003/0181202 to Link in view of U.S. Pat. No. 6,125,126 to Hallenstal. Reconsideration and withdrawal of these claim rejections is respectfully requested under 35 U.S.C. §103 for at least the following reasons.

Independent claim 1 recites a method of adding a selective mid-call call forwarding feature to a service plan for a mobile station, including receiving a request to add the selective mid-call call forwarding feature to the service plan from a user, wherein the request is initiated by the user via the mobile station, retrieving the service plan from a subscriber database, providing a change selection menu to the user in response to the request, modifying the service plan in conjunction with one or more user selections associated with the change selection menu, and storing the modified service plan in the subscriber database. This claim, and associated dependent claims 3-9 were rejected as obvious in view of Link and Hallenstal. As discussed in Applicants' previous response, ***Link does not relate in any way to mid-call forwarding features or addition of such to a service plan.*** Instead, the ATF devices of ***Link appear to cause all calls to be forwarded*** upon detecting a triggering event, such as placement of a wireless phone in a socket of a base structure, or pressing a forward button (Link paragraphs [0011], [0015], [0018], [0035], [0043], [0048], [0055], [0057], [0059], [0063], [0065], [0067], [0069], [0072]-[0073], etc.).

With respect to the first element of claim 1, ***Link does not teach or suggest receiving a request to add the selective mid-call call forwarding feature to the service plan from a user, as acknowledged in the Office Action.*** On this point, the Office Action at page 2 alleges that Hallenstal teaches receiving a request to add the

selective mid-call forwarding feature to the service from a user, citing to Figs. 3 and 4 of Hallenstal. However, ***Hallenstal, like Link, does not relate in any way to mid-call forwarding features or addition of such to a service plan.*** Rather, the disclosure of Hallenstal is directed to a selective call forwarding service (not *mid-call forwarding*) in which a forwarding service record is created including a trigger number and an associated forwarding number. Hallenstal indicates an example of the trigger number being the subscriber's Internet access telephone number, and the associated call forwarding being the subscriber's mobile telephone number. Whenever the subscriber is engaged in a communication initiated to the trigger number, such as surfing the Internet, ***incoming calls directed to the subscriber are automatically forwarded to the call forwarding number*** (the subscriber's mobile). Alternatively, when the subscriber is currently engaged in a communication with a telephone number other than the trigger number, incoming calls are not forwarded, but instead may be processed by generation of a busy signal, execution of a call waiting service, or execution of a call completion service (Hallenstal col. 2, lines 28-51). Importantly, the call forwarding is not mid-call selective, but rather, all calls are forwarded or no calls are forwarded, depending on whether the subscriber is currently communicating with the target number or another number. Thus the Office mischaracterizes Hallenstal as receiving requests from a user to add a selective mid-call feature. Instead, one of the stated goals of Hallenstal is that the call forwarding should take place automatically so that the subscriber does not have to manually forward his calls each time he desires calls to be forwarded (col. 2, lines 22-27). Therefore, ***neither Link nor Hallenstal, nor the proposed combination thereof teach or suggest receiving a request to add the selective mid-call call forwarding feature to the service plan from a user***, wherein the request is initiated by the user via the mobile station. As such, the subject matter of ***independent claim 1 and dependent claims 3-9 is patentably distinct from the proposed combination of Link with Hallenstal***, whereby Applicants respectfully request reconsideration and withdrawal of the rejections thereof under 35 U.S.C. §103 for at least this reason.

The Office Action also incorrectly attributes various other elements of independent claim 1 to Link. In this regard, ***Link does not teach or suggest retrieving the service plan from a subscriber database*** as set forth in independent claim 1. Rather, the ATF device of ***Link does not appear to retrieve a service plan***,

**but instead merely activates automatic call forwarding to a predefined number.** Hallenstal does not appear to remedy this further deficiency of Link, whereby claims 1 and 3-9 are patentable over the proposed combination of Link with Hallenstal for this additional reason. Furthermore, **Link also fails to teach or suggest modifying a service plan** in conjunction with one or more user selections associated with the change selection menu, as set forth in independent claim 1. Instead, as described in paragraph 0018 of Link, the ATF device transmits a message instructing a telephone redirection device to forward telephone calls placed to the mobile device directory number to the forwarding directory number by causing the telephone device to transmit a forwarding message to the telephone redirection device on an overhead data channel associated with a wireless communications network, or by other alternative techniques described in paragraphs 0019-0020 of Link. Importantly, none of these approaches in Link appear to involve actually modifying the user's service plan. Indeed, the motivation for the ATF device in Link appears to be directed to providing automatic call forwarding while the mobile phone is in the ATF device, which ends when the mobile phone is again powered up. **Thus, Link fails to teach or suggest modification of a user's service plan, and in fact appears to teach away from this element of Applicant's claims.** Thus, **Link fails to teach or suggest many of the claim elements that the Office Action attributes to Link**, and a person of ordinary skill in the art would not be motivated to modify Link or to combine Link with other references to provide these elements. Accordingly, for these additional reasons, Applicants submit the proposed combination of Link with Hallenstal fails to teach or suggest all the features of claims 1 and 3-9 whereby reconsideration and withdrawal of the rejections thereof under 35 U.S.C. §103 is requested.

With respect to mid-call forwarding generally, the system of Link allows a user to insert a cell phone into the system in order to automatically enable forwarding of all calls to a predefined number, such as a wireline phone proximate a meeting room. **Modifying Link to provide selective mid-call forwarding would appear to defeat this goal of Link, whereby a person of ordinary skill in the art would not be motivated to combine Link with any other reference to implement mid-call forwarding features set forth in Applicants' claims.** For this further reason, therefore, Applicants request reconsideration and withdrawal of the rejections of claims 1 and 3-9 under 35 U.S.C. §103.

Independent claim 16 and dependent claims 17-20 are directed to methods for processing an incoming call to a first mobile station associated with a subscriber to a wireless service provider, comprising receiving the incoming call, ringing the first mobile station, receiving a mid-call call forwarding activation from the first mobile station, retrieving a telephone number associated with the mid-call call forwarding activation from a service plan associated with the subscriber, and forwarding the incoming call to a telephone device associated with the retrieved telephone number. With respect to claim 16, the Office Action at page 4 states that Link teaches all these elements, referring to Figs. 3 and 10 and paragraphs 0056 and 0059. The Office Action then proceeds to state at the bottom of page 4 (apparently still in reference to claim 16) that "Link fails to teach receiving a request to add the selective mid-call forwarding feature to the service plan from a user", and then asserts that Hallenstal teaches this. Applicants note that while this element is recited in independent claim 1, claim 16 has no such limitation. The citation to Hallenstal therefore appears irrelevant to claim 16, and the rejection of claims 16-20 in the current Office is thus improper, since no prima facie case of obviousness has been set forth. Applicants further submit, that Link does not teach all the elements a) through e) of claim 16, and that Hallenstal fails to remedy the deficiencies of Link. In particular, ***neither Link nor Hallenstal teach or suggest receiving a mid-call call forwarding activation from the first mobile station, or retrieving a telephone number associated with the mid-call call forwarding activation from a service plan associated with the subscriber.*** Accordingly, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 16-20 under 35 U.S.C. §103.

## **II. REJECTION OF CLAIM 2 UNDER 35 U.S.C. §103**

Claim 2 was rejected under 35 U.S.C. §103 as being obvious in view of Link in combination with Hallenstal and U.S. Patent Publication No. US 2004/0248591 to Fish. Reconsideration and withdrawal of this rejection is respectfully requested under 35 U.S.C. §103 for at least the following reasons. Claim 2 depends from independent claim 1 discussed above. As stated *supra*, claim 1 is patentably distinct from the proposed combination of Link with Hallenstal, wherein the combination fails to teach or suggest mid-call forwarding generally, and specifically fails to teach or suggest receiving a request to add the selective mid-call call forwarding feature to the service plan from a user, as acknowledged in the Office Action, retrieving the service plan from a subscriber

database, or modifying a service plan in conjunction with one or more user selections associated with the change selection menu. Fish fails to remedy all these deficiencies, whereby Applicants request reconsideration and withdrawal of the rejections of claim 2 under 35 U.S.C. §103 for at least this reason.

**CONCLUSION**

For at least the above reasons, the currently pending claims are believed to be in condition for allowance and notice thereof is requested.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 06-0308, LUTZ200232.

Respectfully submitted,

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